

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

SAM R. SIMPSON, #23417

PETITIONER

VERSUS

CIVIL ACTION NO. 5:05cv204DCB-JCS

CHRISTOPHER EPPS and JIM HOOD

RESPONDENTS

ORDER

Upon consideration of the petition filed pursuant to 28 U.S.C. § 2254 by the petitioner in the above entitled action, the Court has reached the following conclusions.

On January 3, 2006, this Court entered an order directing the petitioner to state what, if any, exhaustion he has pursued in the state courts, and to specifically state whether he has filed a motion for post-conviction relief in the Warren County Court and/or the Mississippi Supreme Court. However, the petitioner's response failed to clearly answer that question for the Court. As such, the petitioner shall be given a final opportunity to clarify this matter. Petitioner's continued failure to clearly state a response to this Court's order shall result in this cause being dismissed without further notice to the petitioner. Accordingly, it is hereby,

ORDERED:

1. That within twenty (20) days of this date petitioner shall file an amended petition to specifically state: (a) if the petitioner filed a motion for post-conviction relief in the Warren County Circuit Court and/or the Mississippi Supreme Court; (b) and if so, petitioner shall state the results and the date of the results; and (c) specifically state if the petitioner filed any other petitions, applications, or motions with respect to his sentence calculation in any court, state or federal, and if so state:

(i) the name of the court(s); (ii) nature of the proceedings; (iii) the grounds raised; (iv) whether or not an evidentiary hearing was held; (v) the results; and (vi) the date of the results.

2. That the petitioner is required to file his or her original response to this order with the Clerk, United States District Court, P.O. Box 23552, Jackson MS 39225. Failure to properly file a response may result in this civil action being dismissed.

THIS, the 6th day of February, 2006.

s/James C. Sumner
UNITED STATES MAGISTRATE JUDGE